**BLOOMINGDALE PLANNING BOARD**

**101 Hamburg Turnpike**

**Bloomingdale, NJ 07403**

Minutes

Regular Meeting 7:30pm

June 17, 2021

**CALL TO ORDER @ 7:30pm**

**SALUTE TO FLAG**

**LEGAL**

This is the Regular Meeting of the Bloomingdale Planning Board of June 17, 2021 adequate advance notice of this meeting has been provided by publication in the Herald and News and also posted on the bulletin board at the Council Chamber entrance in the Municipal Hall of the Borough of Bloomingdale, Passaic County, in compliance with the New Jersey Open Meetings Act, N.J.S.A. 10:4-6 seq.

**FIRE CODE**

Per State Fire Code, I am required to acknowledge that there are two “Emergency Exits” in this Council Chamber. The main entrance through which you entered and a secondary exit to the right of where you are seated. If there is an emergency, walk orderly to the exits, exit through the door, down the stairs and out of the building. If there are any questions, please raise your hand now.

**ROLL CALL MEMBERS/ALTERNATE MEMBERS (\*denotes alternate)**

Mark Crum Craig A Ollenschleger Brian Guinan\*

Bill Steenstra Edward Simoni Robert Lippi\*

Barry Greenberg Maggie Covert\* Wayne Hammaker\*

**MEMBERS ABS/EXCUSED**

James W Croop Ray Yazdi

Bill Graf

**APPROVAL OF MINUTES**

**5-12-21**

Motion made by Comm. Crum, 2nd by Comm. Hammaker to approve minutes of 5/12/21. Voice vote shows all in favor with one abstention by Comm. Greenberg.

**SEATING OF ALTERNATES**

Comm. Lippi for Comm. Graf

Comm. Hammaker for Comm. Croop

**PUBLIC HEARING APP. #693 MASTRIA**

(seated: Crum, Steenstra, Greenberg, Ollenschleger, Simoni, Hammaker & Lippi)

**#693** Bernadette Mastria 7 Anna Rose Court Block 2004 Lot 7

Motion is made by Comm. Lippi, 2nd by Comm. Crum to deem application #693 Complete. Voice vote shows all in favor.

Board attorney, Richard Brigliadoro states that the notice is in order and the applicant has jurisdiction to proceed.

At this time the applicant’s attorney, Joseph Mecca, introduces the applicant and professionals that are her to testify this evening.

Comm. Simoni asks if they could update all the plans to have the same last name, some say Mastria and others say Coviello.

Board attorney, Richard Brigliadoro addresses an issue pertaining to a resolution for previous application #655, page 7, item #6 pertaining to a stipulation of deed by applicant.

He states the stipulations set forth in resolution and explains the conditions, which were to submit new deed with restrictions.

Mr. Mecca provided recorded deed on 8/7/2018. Mr. Brigliadoro sent a letter stating that the language was not acceptable and he provided the language which was consistent. He asked Mr. Mecca to record a new deed with the restrictive language which he felt was appropriate.

Mr. Mecca states that is correct and he has no objection at all to record new deed with the restrictive language. He will do so once they know if there are further restrictions.

At this time, Mr. Mecca introduces the applicant, Bernadette Coviello Mastria, who resides at 7 Anna Rose Court. Ms. Mastria is sworn in. She states that she was before the board in 2013 to get permission to construct a Mother/daughter addition. Her mother still resides with her today.

She states that 3 people reside at the residence with 6 vehicles. Her mother lives at the residence full time and Ms. Mastria works during the day. They entertain a few times a year. She is the original owner of the home which was built in 1997. She loves the area and has lived here for 23 years and plans to stay as long as possible.

She is before the board for improvements and apologizes for not realizing that permits were needed to continue the deck. She always used insured and licensed contractors.

She is here seeking approval for the work being done.

Mr. Mecca refers to resolution from App #655 and asks Ms. Mastria the amount that was spent on addition.

Ms. Mastria states that she spent over $100,000.

Mr. Mecca states that he believes Ms. Mastria complied with the previous resolution with the exception of the deed language. He asks her if she will agree to filing a new deed with the restrictive language given by Mr. Brigliadoro.

Ms. Mastria states that she will comply completely.

At this time, Vincent Mastria, who also resides at 7 Anna Rose Court, is sworn in.

Mr. Mastria has lived at the property for 2 ½ years. It is his primary residence. He designed and to some degree built the deck which is approximately 4,000 sq feet.. The intended use of the covered deck is to enjoy the back yard and eat outside and to have freedom to entertain family, friends and neighbors. He is retired and has a bad back due to his profession as a demolition contractor.

At this time, Michael Pucci of CPL Partnership is sworn in as a licensed and qualified civil engineer. He describes the project at 7 Anna Rose court which is off Glenwild Avenue. The house is the 3rd house on the left located on .6 acres and is 26,000sq feet.

The pre-existing side yard setback is exasperated with the variance request for the deck. He referred to plans used in previous application by Mianecki. The survey shows what exists today. There is 1758 sq. feet of extra impervious coverage than what was approved in 2013. Certain coverage requirements are allowed.

A stormwater infiltration system would be installed by back fence. This system was specifically designed for this property, bearing in mind the additional 1758 sq foot of impervious coverage. He describes how the system would work. The bottom line is that it is a commercial grade system in back of a single family home. No surface discharge, no run-off. Water infiltrates into the ground within 4 ½ hours.

Mr. Mecca asks if any water is coming onto the property from other properties.

Mr. Pucci states there isn’t too much from other properties, but that the system could handle any neighboring run-off as well.

Mr. Mecca asks why the need for such a sophisticated system.

Mr. Pucci states that it is the right thing to do and easier than seepage pits. It can be constructed more easily and is designed for 100 year storm.

Mr. Boorady states that he reviewed the stormwater report and has no objection to the proposed system.

At this time, Robert Larsen of CPL Partnership is sworn in as a licensed and qualified planner and architect. He designed and helped construct the addition in 2013 and has testified before this board in 2013. He is familiar with the existing and current conditions. This property has unique zoning within the town. The zoning was updated into an R-40 zone. Applicant seeking 4 variances. Total lot coverage, side yard setback, combined side yard setback and total building coverage.

The opinion as a planner is to consider Purpose E: concentration of development for well-being of the neighborhood. Leaning heavily that any detriment was considerably handled.

His opinion is that there is no substantial detriment to the neighbors. There would be no change to the Easterly property, only to the west side. This property is unique within the zone of the town. He asks the board to consider the application on its merits.

Mr. Mecca asks after reviewing the previous resolution, the board was satisfied with the stormwater management at that time, why design a new system?

Mr. Larsen states that the focus was on the surfaces and drainage around the pool and the run-off needs to go to the rear of the property. Its good planning taking run-off away from neighbors and going towards open space and woods.

Comm. Guinian states that he reviewed the ordinance adopting into the R-40 zone and feels this is a huge intensification of lot coverage.

Mr. Larsen states that this is a long-time homeowner and they are improving the property and adding value which he feels out ways negative impact or any detriment.

Comm Ollenschleger states that the explanation was given for approximately a 41% maximum lot coverage variance, would the same apply for a 50% maximum lot coverage?

Mr. Larsen states that the same would not apply to 50%. The deck seems appropriate for size of home, larger would not be appropriate.

Comm. Ollenschleger states that most lots in the area do not have more than 40% coverage. What do you feel an excessive number would be?

Mr. Larsen responds that it would be hard to say the tipping point without taking into consideration the unique zoning of the property.

Comm. Greenberg states that the previous variance granted a 25% increase in building coverage, the ordinance allows 8 %, isn’t asking for 60 % excessive?

Mr. Larsen states that the reason for the larger coverage is because of the roof coverage.

He states that a total lot coverage of 34.4% was granted, applicant asking for 18% more. He is not minimizing the extent of the variances.

Comm. Simoni asks if the walkways from deck to pool area are the same walkways that were asked to be removed in previous application.

Mr. Larsen states that these are different walkways.

Comm. Simoni asks how many levels is the new deck and how many exits/entrances?

Mr. Larsen responds that there are two levels and four exits and entrances.

Comm. Simoni states that this would fall under C-2 criteria.

Mr. Larsen states that they are leaning on the detriment for the C-2 criteria.

They have considered the substantial detriment and are making efforts to mitigate them.

Comm. Guinan asked if there was any proposed screening.

Mr. Larsen states that there is no additional screening proposed.

There is already substantial screening on the west side including fence and shrubbery.

Comm. Simoni states that Mr. Boorady’s letter mentioned and AC condenser, he just wanted to mention that they existed when the homes were built.

At this time a motion is made by Comm. Greenberg, 2nd by Comm. Hammaker to open meeting to public for questions and comments pertaining to application and professionals. Voice vote shows all in favor.

PUBLIC

James Schalago, 9 Anna Rose Court, states that he is the neighbor to the West of the property. He had looked at plans and said they were amazing. He asked that considering how close the side setback would be to his property would the applicant consider eliminating the side decking on the west side.

Ms. Mastria states that absolutely she would not consider eliminating the side deck.

Mr. Mecca points out that, in this zone, you already start behind the eight ball. Looking at the building size, all the properties are not in compliant with the R-40 zone. Unfortunately, we have to live with the rules. We are dealing with two homeowners who have committed many years to the property and not allowing them to cover the deck would take away their enjoyment of it. It will allow this living area to remain open and airy. Having it be open to sun and weather is negative. They are here to provide shaded outside space to enjoy. He asks the board to please consider this in their decision.

Comm. Simoni states that these homes were built in an R-130 zone before and explained how unfair these restrictions were to the residents. This board sent a letter to the Mayor and Council asking to have these properties rezoned to allow these property owners to do more with their properties.

Carlo Imbruglia, 14 Anna Rose Court states that he grew up in Wallington and since moving into Bloomingdale, he loves the diversity and believes that once one neighbor starts building others will follow and it will raise the values of the properties. He just wants to see the building completed and no more construction issues. This will beautify the area.

David Pieratos, 11 Anna Rose Court, states that he moved into the area in 2015. He wants to see this project complete. No more construction. The neighborhood needs to be complete. No work on Saturdays or Sundays. Would rather see a block party. It’s been 6 ½ years of construction. Overall just wants peace & quiet and for them to be allowed to finish.

At this time Comm. Simoni asks the board if they have more any questions or comments on this application.

A motion is made by Comm. Steenstra, 2nd by Comm. Lippi, to deny application #693 due to excessive building and lot coverage. Roll call shows 6-1 in favor of denial. Comm. Crum voting not in favor.

**RECOMMENDATION OF ORDINANCE 13-2021 TO MAYOR & COUNCIL**

Ordinance No. 13-2021 Amending Chapter 92, Section 92-33 “Issuance of Building Permit for Variance” and Article XI Definitions section 92-43 “Terms Defined” Overlay Zone”

Motion is made by Comm. Crum, 2nd by Comm. Greenberg to Recommend adoption of Ordinance #13-2021 as written, as it is found to be consistent with the Master Plan. Roll call shows 9-0 in favor.

**RECOMMENDATION OF ORDINANCE 14-2021 TO MAYOR & COUNCIL**

Ordinance No. 14-2021 Amending Chapter 92 ZONING (Bloomingdale Center District Zone)

Motion is made by Comm. Steenstra, 2nd by Comm. Crum to recommend adoption of Ordinance #14-2021 as written, as it is found to be consistent with the Master Plan. Roll Call shows 8 in favor and 1 opposed (Comm. Ollenschleger)

**RECOMMENDATION OF ORDINANCE 15-2021 TO MAYOR & COUNCIL**

An Ordinance of the Borough of Bloomingdale, Prohibiting the Operation of Any Class of Cannabis Businesses within its Geographical Boundaries and Amending and Supplementing Section 92-43 “Definitions” and Adding a new article XIII entitled “Prohibited Uses” within Chapter 92 “Zoning” of the code of the Borough of Bloomingdale.

Motion is made by Comm. Ollenschleger, 2nd by Comm. Hammaker to recommend adoption of Ordinance #15-2021 as written, as it is found to be consistent with the Master Plan. Roll call shows 8 in favor and 1 opposed (Comm. Covert)

**PENDING APPLICATIONS**

**#686** David Fierro 587 Glenwild Avenue Block 2004 Lot 52

**#688** JBA Landscape LLC 237 Hamburg Turnpike Block 3012 Lot 9

**#692** Daniel Mahler89 Main Street Block 5060 Lot 21

**#694** Albert R Miller 7 Mary Street Block 3027 Lot 3

**#695** Leanne & Benjamin Scaturro 1 West Shore Road Block 2004 Lot 49

**#673** Tilcon/Finbar Block 5105 Lot 84 & 14.02 (July?)

**#696** Damian & Edelmira Rodriguez 21 Union Ave Block 5064 Lot 16

**#697** Robert & Jacqueline Rickard 9 Birch Road Block 4085 Lot 5

**BILLS**

*Darmofalski –*Mtg attend 5/12/21 $500, ***App #673 Tilcon $250, App #693 Mastria $500, App #696 Rodriguez $375***

*Brigliadoro-* Mtg attend 5/12/21 $500,

 ***(\*escrow account)***

Motion made by Comm. Greenberg, 2nd by Comm. Hammaker, to pay bills as listed. Roll call shows 9-0 in favor.

**PUBLIC DISCUSSION**

Motion made by Comm. Hammaker, 2nd by Comm. Greenberg to open meeting to public. Voice vote shows all in favor.

Seeing no one from public,

Motion is made by Comm. Crum, 2nd by Comm. Greenberg to close meeting to public. Voice vote shows all in favor.

**ADJOURNMENT**

Motion is made by Comm. Crum, 2nd by Comm. Greenberg to adjourn meeting at 10:05pm. Voice vote shows all in favor.